## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA	)	
	) Ca	se No. 1:06CR00046
v.	)	ORDER
RODNEY EDWARD STEWART,	, ·	y: James P. Jones
Defendant.	) Ur )	nited States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** as follows:

- 1. The defendant's Motion for Reconsideration (ECF Nos. 163 & 164) is DENIED, and the motion is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
- 2. The Clerk is DIRECTED to redocket the motion (ECF No. 163 & 164) as a § 2255 motion;
- 3. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: June 4, 2012

/s/ James P. Jones

United States District Judge